

REMARKS

MAGE

U.S. Patent No. 6,715,157 to Mage, discloses a sports goggle whose interior surface is designed to not contact the user's eyes.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Mage under 35 U.S.C. § 102(b).

MacDONALD

U.S. Patent No. 6,704,935 to MacDonald, discloses an actual set of spectacles with plastic frames which must, by nature of their use, be transparent, else the tanning rays would leave white tan lines around the user's face, and removable pads. The pads are removably affixed to the spectacles with hook and loop fasteners.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over MacDonald under 35 U.S.C. § 102(b).

DeLUISA

U.S. Patent No. 6,623,517 to DeLuisa, discloses gelatinous discs which are contained prior to use in a hermetically sealed container and are separately removed from the container and singly placed, one on each eye disconnected from one another, and discarded when use has been effected. The discs are not held removably affixed to the user's head during use.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over DeLuisa under 35 U.S.C. § 102(b).

SPITERI

U.S. Patent No. 6,543,056 to Spiteri, discloses a traditional-style sleep shield whose inner surface may not remain in sanitary condition for a significant period of time and is not changeable.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Spiteri under 35 U.S.C. § 102(b).

CARROLL

U. S. Patent No. 6,019,103 to Carroll, discloses a molded plastic face shield having two eye protector openings so that material substantially does not come in contact with a user's eyes. This distinguished from the disclosure of this subject application in which the disclosure does come in direct contact with the user's eyes.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Carroll under 35 U.S.C. § 102(b).

MESHEL

U.S. Patent No. 5,191,897 to Meshel, discloses an eye occluder to be used for one single eye at a time, and which, while being disposable, has no primary body. This is the same circumstances as surrounding the 6,623,517 DeLuisa's gelatinous discs.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Meshel under 35 U.S.C. § 102(b).

WORTH RICH

U.S. Patent No. 4,898,162 to Worthrich, discloses a convertible eye shield which covers the eye, but which prevents any contact of the shield with the eye.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Kohn under 35 U.S.C. § 102(b).

KOHN

U.S. Patent No. 4,709,695 to Kohn, discloses a removable wound-covering bandage system in which, in regards to the eye, new bandages are attached as needed to a semi-permanently affixed adhesive which attaches to the skin. In the embodiment shown, in fact, the eye covering seems to not contact the eye, since the function is to keep the wound area sterile. Even if the bandages were to be in contact the eye, the bandages would not be in a cartridge sheet form held contained in a primary body.

TEEPLE

U.S. Patent No. 4,635,625 to Teeple, discloses a surgical eye mask which, necessarily, is made of metal foil in order to serve the mask's intended function, which is to thwart divergent laser radiation around the eye area during eye surgery.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Teeple under 35 U.S.C. § 102(b).

WIRTSCHAFTER

U.S. Patent No. 3,952,735 to Wirschafter, discloses an eye bandage comprises a multiplicity of pneumatically interconnected air cells.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Wirschafter under 35 U.S.C. § 102(b).

LAZO

U.S. Patent No. 2,891,252 to Lazo, discloses a sleeping device in which the pad members 19 and 20 are secured permanently to the cloth material. Thus, although the sleep mask may provide easy sleep, the eyes will likely, in short order, become infected.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Lazo under 35 U.S.C. § 102(b).

GOLDING

U.S. Patent No. 2,543,104 to Golding, discloses an eye mask which can be easily laundered and thus can be kept sanitary and can be used repeatedly, over and over again. This notion is the exact, direct antithesis to the concept espoused by this subject application. This subject application maintains that no laundering process will ever be adequate for sanitary purposes, and the sole satisfactory method for repeatedly using an eye covering requires that the previous surface in contact with the eye be totally disposed of and replaced with a fresh, sterile surface.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Golding under 35 U.S.C. § 102(b).

HINES

U.S. Patent No. 1,917,117 to Hines, discloses a light-excluding eye cover having two adjustable pockets into which gauze or other such stuffing material may be placed. The pockets, however, always are in contact with the eyes, despite the fact that the gauze may be changed.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Hines under 35 U.S.C. § 102(b).

FUKUHARA

Japanese Patent No. 02280750 to Fukuhara, discloses a device whose interior, eye-contacting surface is not replaceable.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Fukuhara under 35 U.S.C. § 102(b).

OKUBO

Japanese Patent No. 11056898 to Okubo, discloses a device which absorbs sweat and fat from the facial area. It is evident from the drawing, if not from the unusual attempt at English, that it is a unitary device in which the surface which contacts the eyes is not removable.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Okubo under 35 U.S.C. § 102(b).

SPECIFICATION

Kindly amend the disclosure on page 3, line 31 so that the sentence ends with a period.

CONCLUSION

Accordingly, for at least the reasons set forth herein by Applicant in this case, Applicant maintains that no prior art describes, teaches, or suggests the combination of each and every element of the Newly Amended Claims, and that these Claims are patentable over all prior art under 35 U.S. C. Section 102(b).

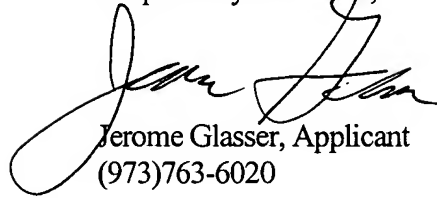
In view of the foregoing remarks, and as demonstrated above with the submission of amended claims, applicant respectfully requests the entry of the amendments contained herein, and contends that this application should now be in condition for allowance. A notice to this effect is respectfully requested because the reasons above are sufficient to warrant allowance for this patent application. Applicant has not explored, nor is there now presented, other possible supporting information in response to the First Office Action. Nonetheless, Applicant expressly reserves the right to present further supporting information in the future, if appropriate, in response to any subsequent Office Action.

After considering these remarks, if the Examiner believes that a telephone conference with Applicant would be advantageous towards the disposition of this case in a manner favorable to Applicant, the Examiner is requested contact Applicant at the telephone number listed below.

A petition for a two-month extension of time and associated fee for extending the time to respond to Office Action from May 22, 2005 until July 22, 2005 has been filed in duplicate herewith. No additional fee is believed to be required. However, if an additional fee is required or otherwise necessary to cover any deficiency in fees paid, authorization is hereby given to charge Applicant's USPTO Deposit Account No. 50-3511. An early and favorable action is hereby requested.

Date: November 28, 2005

Respectfully submitted,



Jerome Glasser, Applicant
(973)763-6020